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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/543,056

**Applicant(s)**

NAKAJIMA ET AL.

**Examiner**

YOGESH K. AGGARWAL

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 02/27/2009, 07/10/2008, 02/08/2006

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US Patent # 6,621,524).

[Claim 1]

Iijima teaches a digital camera (figure 1) characterized in comprising:

an optical system (lens 1) that focuses an optical image of an object, a converting unit (A/D 4) that converts the focused optical image of the object into a digital image (col. 4 lines 34-45);

a layout inputting unit that inputs a layout in drawing the digital image outputted by the converting unit (4);

an internal memory (mask pattern memory 14B) stored with the inputted layout (col. 27 lines 6-8); a selection receiving unit (24) that receives selection of the layout stored in the internal memory (col. 27 lines 17-24);

an object image outputting unit that outputs the digital image outputted by the converting unit to a memory card (col. 5 lines 15-23) by being related to the layout selected by the selection receiving unit (col. 27 lines 25-38, figures 22C and 22D); and

a layout outputting unit that outputs the layout stored in the internal memory to the memory stored with the digital image by the object image outputting unit (col. 27 lines 25-38, figures 22C and 22D).

Iijima fails to teach a memory card is removable memory. However Official Notice is taken that it is very well known to have a memory card that is removable in order to easily distribute the images to multiple users. Therefore taking the combined teachings of Iijima and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a memory card that is removable in order to easily distribute the images to multiple users.

[Claim 2]

Iijima teaches that the layout outputting unit outputs the layout selected by the selection receiving unit to the removable memory after the digital image outputted to the memory is outputted by the converting unit (col. 16 lines 16-26 teach that the through image is either a recorded image or a reproduced image. In the case of a reproduced image, the image has to be first stored and then displayed). For a discussion of removable memory, see claim 1.

[Claim 3]

The digital camera according to Claim 1, characterized in that the layout outputting unit outputs the layout selected by the selection receiving unit to the removable memory before the digital image outputted to the removable memory is outputted by the converting unit (col. 27 lines 25-38, figures 22C and 22D). For a discussion of removable memory, see claim 1.

[Claim 4]

It would be obvious to one skilled in the art that every time a memory card is changed that the layout will be outputted to the newly inserted memory card.

[Claim 5]

The digital camera according to any one of Claim 1, characterized in that the layout outputting unit outputs only the layout in the layout stored in the internal memory, which is not stored in the removable memory to the memory (col. 14 lines 3-35). For a discussion of removable memory, see claim 1.

[Claims 6-10]

These claims are similar to claims 1-5 and is therefore rejected based upon rejected claims 1-5 except an existing image instead of a layout image. An existing image is broadly read as the same as the layout image since the layout image is already stored in the memory to be synthesized with the digital image.

[Claim 11]

Iijima teaches a digital camera (figure 1) characterized in comprising:

an optical system (lens 1) that focuses an optical image of an object, a converting unit (A/D 4) that converts the focused optical image of the object into a digital image (col. 4 lines 34-45);

a layout inputting unit that inputs a layout in drawing the digital image outputted by the converting unit (4);

an internal memory (mask pattern memory 14B) stored with the inputted layout (col. 27 lines 6-8); a selection receiving unit (24) that receives selection of the layout stored in the internal memory (col. 27 lines 17-24);

an object image outputting unit that outputs the digital image outputted by the converting unit to a memory card (col. 5 lines 15-23) by being related to the layout selected by the selection receiving unit (col. 27 lines 25-38, figures 22C and 22D); and

a layout outputting unit that outputs the layout stored in the internal memory to the memory stored with the digital image by the object image outputting unit (col. 27 lines 25-38, figures 22C and 22D),

a drawing controlling unit that causes a drawing apparatus to draw the digital image stored in the memory based on the layout stored in the memory (col. 30 lines 6-60, figure 25).

Iijima fails to teach a memory card is removable memory. However Official Notice is taken that it is very well known to have a memory card that is removable in order to easily distribute the images to multiple users. Therefore taking the combined teachings of Iijima and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a memory card that is removable in order to easily distribute the images to multiple users.

[Claim 12]

The digital camera according to Claim 11, characterized in that the drawing controlling unit displays the digital image stored in the memory on a display based on the layout stored in the removable memory (see figure 26). For a discussion of removable memory, see claim 11.

[Claim 13]

The digital camera according to Claim 11, characterized in that the drawing controlling unit causes a printer to print the digital image stored in the memory based on the layout stored in the removable memory (col. 15 lines 14-25). For a discussion of removable memory, see claim 11.

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[Claim 14]

Iijima teaches a digital camera (figure 1) characterized in comprising:

an optical system (lens 1) that focuses an optical image of an object, a converting unit (A/D 4) that converts the focused optical image of the object into a digital image (col. 4 lines 34-45);

a layout inputting unit that inputs an existing image to be synthesized with the digital image outputted by the converting unit (4);

an internal memory (mask pattern memory 14B) stored with the inputted existing image (col. 27 lines 6-8); a selection receiving unit (24) that receives selection of the existing image stored in the internal memory (col. 27 lines 17-24);

an object image outputting unit that outputs the digital image outputted by the converting unit to a memory card (col. 5 lines 15-23) by being related to the existing image selected by the selection receiving unit (col. 27 lines 25-38, figures 22C and 22D); and

a layout outputting unit that outputs the existing image stored in the internal memory to the memory stored with the digital image by the object image outputting unit (col. 27 lines 25-38, figures 22C and 22D).

a drawing controlling unit that causes a drawing apparatus to synthesize the digital image and the existing image stored in the memory (col. 30 lines 6-60, figure 25).

Iijima fails to teach a memory card is removable memory. However Official Notice is taken that it is very well known to have a memory card that is removable in order to easily distribute the images to multiple users. Therefore taking the combined teachings of Iijima and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have

been motivated to have a memory card that is removable in order to easily distribute the images to multiple users.

[Claim 15]

The digital camera according to Claim 11, characterized in that the drawing controlling unit causes a display to synthesize the digital image and the existing image stored in the memory on a display (see figure 26). For a discussion of removable memory, see claim 11.

[Claim 16]

The digital camera according to Claim 11, characterized in that the drawing controlling unit causes a printer to print the digital image stored in the memory based on the layout stored in the removable memory (col. 15 lines 14-25). For a discussion of removable memory, see claim 11.

[Claim 17]

See claims 1 and 14.

[Claim 18]

Iijima teaches a digital camera (figure 1) characterized in comprising:

an optical system (lens 1) that focuses an optical image of an object, a converting unit (A/D 4) that converts the focused optical image of the object into a digital image (col. 4 lines 34-45);

a selection receiving unit (24) that receives selection of the existing image stored in the internal memory (col. 27 lines 17-24);

an existing image inputting unit that inputs the selected existing image (col. 16 lines 16-26);



an internal memory (mask pattern memory 14B) stored with the inputted existing image (col. 27 lines 6-8);

an object image outputting unit that outputs the digital image outputted by the converting unit to a memory card (col. 5 lines 15-23) by being related to the existing image selected by the selection receiving unit (col. 27 lines 25-38, figures 22C and 22D); and

an existing image outputting unit that outputs the existing image stored in the internal memory to the memory stored with the digital image by the object image outputting unit (col. 27 lines 25-38, figures 22C and 22D).

Iijima fails to teach a memory card is removable memory. However Official Notice is taken that it is very well known to have a memory card that is removable in order to easily distribute the images to multiple users. Therefore taking the combined teachings of Iijima and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a memory card that is removable in order to easily distribute the images to multiple users.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/  
Examiner, Art Unit 2622